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10/646,323	08/22/2003	Mark Smolenski	00601-0044US	9692

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/646,323

Applicant(s)

SMOLENSKI ET AL.

Examiner

Ruth C. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 5-7, 21-26 and 29 is/are allowed.
- 6) ☐ Claim(s) 1-3, 8-16, 18-20 and 30 is/are rejected.
- 7) ☐ Claim(s) 4 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The indicated allowability of claims 1-3, 8-16, 18-20 and 30 is withdrawn in view of the newly discovered reference(s) Richardson (US 5,054,159). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-3, 8-16, 18-20 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5,054,159) in view of Van Nagell (US 1,476,119).

Richardson discloses a fluid blower (B) having first and second tubular elements (E,N) connected to the fluid blower so that fluid propelled by the fluid blower is directed through the first and second tubular elements (Abstract and Figure 1). Richardson fails to provide any details for the connection of the first and second tubular elements.

However, Van Nagell teaches in combination, a first tubular element (7) connected to a second tubular element (14). The first tubular element has a first axis, a first portion (9) with a radially outwardly facing surface and a first connecting assembly with a first circumferentially facing surface (11). The second tubular element has a second portion

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(13) with a second axis, a radially inwardly facing surface and a second connecting assembly with a second circumferentially facing surface (12). The first portion extends within the second portion so that the radially inwardly facing surface on the second tubular element surrounds the radially outwardly facing surface on the first tubular element (Fig. 1). The first and second tubular elements positionable in a first relative axial position (where 11 is entering into 12) wherein relative movement of the first and second tubular elements around the first and second axes between a first relative rotational position (before the elements are rotated) and a second relative rotational position (engaging first notch 17 of 12) causes the first and second connecting assemblies to cooperate to draw the first and second portions axially towards each other. The first and second connecting assemblies cooperating so that the first and second circumferentially facing surfaces confront each other with the first and second tubular elements in the second relative rotational position to thereby block relative movement (by the first notch 17) of the first and second tubular elements from the second relative rotational position back into the first relative rotational position (Page 1, lines 51-56). One of the first and second portions having a third circumferentially facing surface (another one of the multiple projections 11) that confronts one of one of the first and second circumferentially facing surfaces on the other of the first and second portions and a fourth circumferentially facing surface (another one of the multiple slots 12) on the other of the first and second portions. The first and second tubular elements are relatively moved around the first and second axis from the first relative rotational position past the second relative rotational position into a third relative rotational position

(past a second notch 17 on the slot 12) to thereby block relative movement of the first and second tubular elements from the third relative rotational position back into the second relative rotational position. (Page 1, lines 51-56). The connection of the first and second tubular elements is extremely simple and inexpensive and does not require any tools. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the connection of the first and second tubular elements as taught by Van Nagell in the fluid blower disclosed by Richardson. Doing so, provides an extremely simple and inexpensive connection that does not require any tools.

Van Nagell also teaches that:

- One of the first and second connecting assemblies comprises a first radially extending projection (11) and the other of the first and second connecting assemblies has a first groove (12) in which the first projection guidingly moves as the first and second tubular elements are changed between the first and second relative rotational positions (Page 1, lines 51-56).
- The first portion has a first radially outwardly extending projection (11) and the second portion has a first groove (12) in which the first projection guidingly moves as the first and second tubular elements are changed between the first and second relative rotational positions (Page 1, lines 51-56).
- The first and second tubular elements are positionable in a second relative axial position wherein relative movement of the first and second tubular elements from the first relative rotational position into the second relative rotational position causes the

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first and second connecting assemblies to draw the first and second portions axially towards each other further than with the first and second tubular elements in the first relative axial position and the first and second tubular elements moved from the first relative rotational position into the second relative rotational position (Page 1, lines 51-56 and Figures 1-5).

Van Nagell discloses that the second portion has a second groove. Van Nagell fails to disclose that the first projection guidingly moves as the first and second tubular elements are moved from the first relative rotational position into the second relative rotational position with the first and second tubular elements in the second relative axial position. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have another groove engageable with the first projection such that the first projection guidingly moves as the first and second tubular elements are moved from the first relative rotational position into the second relative rotational position with the first and second tubular elements in the second relative axial position since duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). In this case, the additional groove allows further adjustment of the combined length of the first and second tubular members.

Considering the prior modification, the first groove has a first axial rise and the second groove has a second axial rise and the first and second axial rises are approximately equal so that the axial rise of one groove does not interfere with the performance of the connection.

Van Nagell fails to disclose that the second tubular element has an axially extending entry groove which is contiguous with the first and second grooves.

However, the Examiner takes Official Notice that the use of axially extending grooves continuous with first and second grooves is well known in the connection art for first and second tubular elements.

The first portion of Van Nagell has a second radially outwardly extending projection (another projection 11) and the second portion has a second groove (another slot 12) in which the second radially outwardly extending projection guidingly moves as the first and second tubular elements are changed between the first and second relative rotational positions (Figs. 1-5).

Van Nagell also discloses that the first and second radially outwardly extending projections are at substantially diametrically opposite locations on the first portion (Figs. 1-5).

Van Nagell fails to disclose that the first and second radially outwardly extending projections are at substantially the same circumferential location on the first portion. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the first and second radially outwardly extending projections are at substantially the same circumferential location on the first portion since duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). In this case, the additional projections allow further adjustment of the combined length of the first and second tubular members.

Van Nagell fails to disclose that the first radially outwardly extending projection has an elongated shape. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first radially outwardly extending projection has an elongated shape with a length and extending in a circumferential direction at an angle to a plane orthogonal to the second axis since a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Especially, since the connection for first and second tubular elements discloses the use of elongated shaped projections with a length and extending in a circumferential direction at an angle to a plane orthogonal to the second axis.

Van Nagell fails to disclose that the first and second portions comprise a flexible plastic material. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention that the first and second portions comprise a flexible plastic material since the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Especially since the use of flexible plastic for connections of first and second tubular elements is well known in the fluid blowing art.

Richardson discloses that one of the first and second tubular elements has a fitting for connection directly to the fluid blower (Fig. 1).

Richardson also discloses that in combination wherein the fluid blower is a portable blower for propelling air (Fig. 1)

Richardson discloses a method of joining first and second tubular elements (E,N) to each other and a portable fluid blower (B) that comprises providing a portable fluid blower and connecting the first and second tubular elements to the fluid blower so that the fluid propelled by the fluid blower is directed through the first and second tubular elements (Abstract and Figure 1). Richardson fails to provide any details for the connection of the first and second tubular elements. However, Van Nagell teaches a method of joining first and second tubular elements (7,14) comprises the steps of: a) providing a first tubular element (7) having a first axis, a first portion with a radially outwardly facing surface and a first connecting assembly (11); b) providing a second tubular element (14) having a second axis, a second portion with a radially inwardly facing surface and a second connecting assembly (12); c) aligning the first and second tubular elements in a preassembly state with the first and second axes substantially coincident and the first portion adjacent to the second portion (having the projection 21a beginning to enter the groove 12); d) relatively axially moving the first and second tubular elements from the preassembly state towards each other into a first relative axial position (with the projection hitting the straight section of the groove 12); (e) with the first and second tubular elements in the first relative axial position, relatively moving the first and second tubular elements around the first and second axes from a first relative rotational position (passing one of the corrugations 17) into a second relative rotational position and thereby causing the first and second connecting assemblies to cooperate so as to draw the first and second portions axially towards each other so that the first and second tubular elements achieve a second relative axial position (since the groove

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is inclined as shown in Figs. 2 and 5). The frictional force generated between the radially inwardly and outwardly facing surface on the first and second relative axial position than with the first and second tubular elements in the first relative axial position (due to the corrugations 17 that frictionally retain the projection 11). The step of causing the first and second connecting assemblies to cooperate to releasably block (due to the corrugations 17) the first and second tubular elements in the second relative rotational position (Fig. 1). The step of causing the first and second connecting assemblies to cooperate to cooperatively releasably block the first and second tubular elements in the second relative rotational position comprises causing circumferentially facing surfaces (projection 11 interacts with the corrugations in groove 12) on the first and second connecting assemblies to confront each other; and (f) relatively moving the first and second tubular elements around the first and second axes to a third relative position (passing another corrugation 17 while being further inserted into the groove) arrived at by moving the first and second tubular elements from the first relative rotational position to and beyond the second relative rotational position and wherein circumferentially facing surfaces (11 when interacting with corrugations 17 of the groove 12) in the first and second connecting assemblies confront each other to block movement of the first and second element from the third relative rotational position back into the second relative rotational position (Page 1, lines 51-56). The connection of the first and second tubular elements is extremely simple and inexpensive and does not require any tools. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the connection of the first and second tubular elements

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as taught by Van Nagell in the method disclosed by Richardson. Doing so, provides an extremely simple and inexpensive connection that does not require any tools.

Allowable Subject Matter

4. Claims 5-7, 21-26 and 29 are allowed.
5. Claims 4 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 8-16, 18-20 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gilbert (US 1,951,754), Pietro (US 4,911,573), Haynes (US 6,447,021 B1) and Ray et al. (US 6,811,190 B1) are cited to show state of the art with respect to

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telescoping mechanism having a connection means similar to the one being claimed by the current application.

Nishimura et al. (US 5,926,910) and Vesser (US 6,108,865) are cited to show state of the art with respect to fluid blower having a connection means similar to the one being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

/James R. Brittain/
Primary Examiner
Art Unit 3677

rcr
June 12, 2007